

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BRITTANY ALEXANDER, and
MEHKI ALEXANDER, on behalf of
themselves and all others similarly situated,

Plaintiff,

v.

SUGAR FACTORY, LLC and
SFX HOUSTON 88 LLC,

Defendants.

Civil Action No. 4:25-cv-00009

MOTION FOR CLERK’S ENTRY OF DEFAULT AGAINST ALL DEFENDANTS

Plaintiffs, Brittany Alexander, et al., (“Plaintiffs”), by and through the undersigned attorneys, submit this Motion for Clerk’s Entry of Default pursuant to Federal Rule of Civil Procedure (“FRCP”) 55(a), and in support of this Motion state as follows:

1. On January 2, 2025, Plaintiffs filed the Complaint in the above-captioned action seeking redress for unpaid minimum and overtime wages, and for tips unlawfully shared with managers, pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. Dkt. 1.
2. On January 8, 2025, Defendants Sugar Factory, LLC and SFX Houston 99 LLC, were each served with the Summons, Complaint, and a copy of the Court’s Order Setting Conference and related papers as required by this Court’s January 6, 2025, Order. Dkts. 9, 10, 15.
3. Defendants’ responses to the Complaint and appearances in this matter were due to be served by no later than January 29, 2025. FRCP 12(a)(1)(A)(ii); Dkts. 10, 15.
4. As of the date of the filing of the instant Motion, 30 days have passed since the response deadline, and there has been no Answer or appearance filed by any Defendant. Plaintiffs’

counsel been contacted by any counsel or representative of either Defendant regarding this case, nor have Defendants otherwise shown an intent to defend or otherwise enter an appearance in this litigation.

5. Further, Defendants were required to file a Certificate of Interested Parties within 15 days of receipt of the Court's Order Setting Conference, which was January 23, 2025. Dkt. 9, ¶ 2. As noted above, the Order requiring this filing was served on Defendants alongside the Complaint. Defendants failed to appear, file these required documents with the Court, or contact Plaintiffs' counsel regarding this filing.

6. FRCP 55(a) states: "When a party against whom a judgment for affirmative relief is sought has failed to please or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk *must* enter the party's default." (emphasis supplied).

7. Accordingly, Plaintiffs now respectfully request that the Clerk enter a default against all Defendants.

8. After a default is entered, Plaintiffs will timely move for a default judgment in accordance with FRCP Rule 55.

WHEREFORE, Plaintiffs respectfully request the Clerk enter a default against Defendants Sugar Factory, LLC and SX Houston 88, LLC.

Dated: February 28, 2025

Respectfully submitted,

/s/Matt Bachop
Matt Bachop
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/s/ Molly A. Elkin

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Of Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Molly A. Elkin, an attorney admitted *pro hac vice* in this matter, certify that I caused Plaintiff's Motion for Clerk's Entry of Default Against All Defendants to be filed with the Clerk of the Court through the Court's CM/ECF System on February 28, 2025, and I certify that I served such documents in accordance with the Federal Rules of Civil Procedure and the Court's Local Rules by mailing certified copies through the U.S. Mail to the Defendants through their registered agents at the addresses set forth below on February 28, 2025, with proper postage prepaid:

Sugar Factory, LLC
c/o David T. Brown
520 S. Fourth Street
2d Fl.
Las Vegas, NV 89101

SFX Houston 88, LLC
c/o Corporation Service Company dba CSC-Lawyers Incorporating Service Company
211 E. 7th Street
Suite 820
Austin, TX 78701

/s/ Molly A. Elkin

Molly A. Elkin